

ARKANSAS COURT OF APPEALS  
NOT DESIGNATED FOR PUBLICATION

EN BANC

CA08-493

August 27, 2008

MICHAEL W. EASON

APPELLANT

APPEAL FROM THE OUACHITA  
COUNTY CIRCUIT COURT  
[CV-05-18-6]

V.

ARKANSAS LOCAL POLICE AND  
FIRE RETIREMENT SYSTEM,  
a/k/a LOPFI

APPELLEE

HON. DAVID F. GUTHRIE,  
JUDGE

MOTION GRANTED WITH  
INSTRUCTIONS

On July 14, 2008, the appellee, Arkansas Local Police and Fire Retirement System (LOPFI), filed a motion to correct the record in this case. It was alleged that the record before this court did not contain the transcript of the administrative proceeding before the Board of Trustees of LOPFI and that the Board had relied on the testimony therein to reach its decision.

We agree that the transcript of the administrative proceeding is necessary to the determination of this case and that it is not in the record, although it was apparently made available to the Board below. Accordingly, we grant the motion to correct the record pursuant to Rule 6(e) of the Arkansas Rules of Appellate Procedure-Civil. However, the obligation to provide the record below was on the appellee pursuant to Arkansas Code

Annotated § 25-15-212 (d)(1) (Repl. 2002). Therefore, we order the appellee to file a certified copy of the transcript of the administrative proceeding with the Circuit Clerk of Ouachita County within fifteen days of the date of this opinion. The appellant will then have fifteen days from the date of the filing of the transcript to transmit a corrected record to our clerk along with a substituted brief, abstract, and addendum.